

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOHN PANARIELLO and VICTORIA
PANARIELLO,

Plaintiffs,

ORDER

-against-

12-CV-808 (SLT)(SMG)

TOP DOT MORTGAGE, EASTERN SAVINGS
BANK, FSB, and KRISS & FEUERSTEIN,

Defendants.

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TOWNES, United States District Judge:

Plaintiffs John and Victoria Panariello originally commenced this action in the Supreme Court of the State of New York, Kings County, alleging federal and state causes of action arising from the refinancing of premises located on Bergen Avenue in Brooklyn. In February 2012, the action was removed to this Court.

On August 23, 2012, the attorney who had represented the plaintiffs in this case since its inception was relieved as counsel for Mr. Panariello at his request. Less than a week later, the attorney filed a stipulation on behalf of Ms. Panariello, withdrawing her claims with prejudice. For a while, Mr. Panariello continued to prosecute this action *pro se*, appearing at a conference on October 12, 2012, and requesting time to retain new counsel. However, Mr. Panariello failed to appear at a subsequent conference, prompting Magistrate Judge Gold to issue an order directing him to “submit a letter to the Court by January 7, 2013, explaining his failure to attend [the] conference and indicating whether he intends to pursue this lawsuit.” Civil Minute Entry dated Dec. 18, 2012.

When Mr. Panariello failed to respond to his order, Judge Gold issued a report and recommendation dated January 31, 2013 (the "R&R"), recommending that this action be dismissed with prejudice for failure to prosecute unless, within the time for filing objections to the R&R, Mr. Panariello explained his reasons for his failing to respond to Judge Gold's order and indicated that he intended to prosecute his claims. That R&R expressly advised Mr. Panariello that any objections to the R&R had to be filed no later than February 18, 2013. At Judge Gold's direction, a copy of the R&R was mailed to Mr. Panariello's last reported address on January 31, 2013.

To date, this Court has received no objections or other response from Mr. Panariello. A district court is not required to review the factual or legal conclusions of the magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Accordingly, this Court adopts Magistrate Judge Gold's report and recommendation dated January 31, 2013, in its entirety as the opinion of the Court. *See* 28 U.S.C. § 636(b)(1). Mr. Panariello's action is dismissed with prejudice for failure to prosecute and the Clerk of Court is directed to close this case.

SO ORDERED.

Dated: March 7, 2013
Brooklyn, New York

s/ SLT

SANDRA L. TOWNES
United States District Judge